

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1737 be amended to read as follows:

- 1       Page 6, between lines 39 and 40, begin a new paragraph and insert:  
2       "SECTION 7. IC 9-30-6-2 IS AMENDED TO READ AS  
3       FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) A law  
4       enforcement officer who has probable cause to believe that a person  
5       has committed an offense under this chapter, IC 9-30-5, or IC 9-30-9,  
6       or a violation under IC 9-30-15 shall offer the person the opportunity  
7       to submit to a chemical test.  
8       **(b) If the person to whom a law enforcement officer has offered**  
9       **a chemical test under this section:**  
10       **(1) requests a chemical test on the person's blood; and**  
11       **(2) consents to pay for the chemical test on the person's blood;**  
12       **the law enforcement officer shall transport the person to a location**  
13       **where a chemical test on the person's blood may be administered**  
14       **under section 6 of this chapter. The law enforcement officer shall**  
15       **request that a physician or an individual trained in obtaining**  
16       **bodily substance samples and acting under the direction of or**  
17       **under a protocol prepared by a physician perform a chemical test**  
18       **on the person's blood.**  
19       ~~(b)~~ **(c)** A law enforcement officer:  
20       (1) is not required to offer a chemical test to an unconscious  
21       person; and  
22       (2) may offer a person more than one (1) chemical test under this  
23       chapter.  
24       ~~(c)~~ **(d)** A test administered under this chapter must be administered

1 within three (3) hours after the law enforcement officer had probable  
 2 cause to believe the person committed an offense under IC 9-30-5 or  
 3 a violation under IC 9-30-15.

4 ~~(d)~~ **(e)** A person ~~must~~ **is not required to** submit to each chemical  
 5 test offered by a law enforcement officer in order to comply with the  
 6 implied consent provisions of this chapter. **A person who requests a**  
 7 **chemical test of the person's blood under subsection (b) has not**  
 8 **refused to submit to a chemical test under this section.**

9 SECTION 8. IC 9-30-6-3 IS AMENDED TO READ AS FOLLOWS  
 10 [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) If a law enforcement officer  
 11 has probable cause to believe that a person committed an offense under  
 12 IC 9-30-5, the person may be arrested. However, if the chemical test  
 13 results in prima facie evidence that the person is intoxicated, the person  
 14 shall be arrested for an offense under this chapter, IC 9-30-5, or  
 15 IC 9-30-9.

16 **(b) If a person:**

17 **(1) refuses to submit to a chemical test; and**

18 **(2) does not request a chemical test of the person's blood**  
 19 **under section 2(b) of this chapter;**

20 **the person's refusal to submit to a chemical test is admissible** ~~At at~~  
 21 ~~any proceeding under this chapter, IC 9-30-5, or IC 9-30-9. a person's~~  
 22 ~~refusal to submit to a chemical test is admissible into evidence."~~

23 Renumber all SECTIONS consecutively.

(Reference is to HB 1737 as printed February 27, 2001.)

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Representative Thompson